

BEFORE THE ACADEMIC FACILITIES REVIEW BOARD

1. On August 8, 2013, the Academic Facilities Review Board conducted a hearing pursuant Ark. Code Ann. §§ 6-20-2513 and 6-20-2516, and The Commission for Arkansas Public School Academic Facilities and Transportation Rules Governing Appeals from Determinations of the Arkansas Division of Public School Academic Facilities and Transportation (dated June 2012). Before the Board was the appeal of the Cabot School District ("School District"), which was appealing a decision of the Division of Public School Academic Facilities and Transportation ("Division") denying Partnership Program funding for the 2013-2015 funding cycle for project number 1314-4304-003.

2. In a letter dated April 24, 2013, the Division notified the School District that project number 1314-4304-003, which related to a dining room expansion at the Ward Central Elementary School, had been disapproved for funding under the Academic Facilities Partnership Program for the 2013-2015 funding cycle. The reason for the disapproval was "no suitability need."

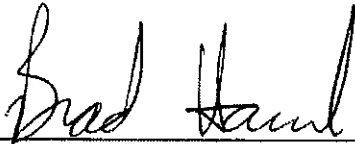
3. In a letter dated June 12, 2013, the School District appealed this finding. A copy of the School District's appeal is attached as Exhibit 1.

4. On July 18, 2013, the Division responded to the appeal. A copy of the Division's response is attached at Exhibit 2.

5. A hearing was held before the Board on August 8, 2013, at which time both the School District and Division were provided the opportunity to present additional information and argument.

DECISION

Upon consideration of the written appeal, written response, and additional information/argument presented by the School District and Division during the August 8 hearing, the Board upholds the Division's determination.

A handwritten signature in cursive script, appearing to read "Brad Hammond", written over a horizontal line.

Brad Hammond, Acting Chairman
Academic Facilities Review Board

A handwritten date "8/16/2013" written in cursive script over a horizontal line.

Date



Cabot Public Schools

OFFICE OF THE SUPERINTENDENT

W. Tony Thurman, Ed.D.

June 12, 2013

Arkansas Department of Education
Office of General Counsel
Four Capitol Mall
Little Rock, AR 72201

To Whom It May Concern:

Please accept this letter from the Cabot School District as a request for an appeal and hearing with the Commission for Arkansas Public School Academic Facilities and Transportation.

The Cabot School District submitted a complete and timely application for project number 1314-4304-003 for a dining room expansion at the Ward Central Elementary campus. The project application was submitted with the 2013-2015 partnership cycle associated with the 2012 Master Plan for the 2013-2015 funding biennium. On April 24, 2013, the Division of Public School Academic Facilities and Transportation posted a list of approved and disapproved projects on their website. Cabot School District was denied funding for this needed student dining expansion, which is currently undersized on the Ward Central Elementary campus, with the decision for the disapproval being that this campus does not have an overall suitability need, despite the fact that the campus is clearly lacking the appropriate size for this needed single-purpose space.

The Cabot School District has reviewed all rules and laws associated with Arkansas School Facilities and Partnership funding and is appealing the Division's decision based on the fact that this individual single-purpose space does currently exist on the Ward Central Elementary campus, but is sorely undersized to fully serve the needs of the students regardless of what the overall suitability analysis reflects.

With the new partnership rules adopted by the Facilities Commission in the summer and fall of 2012, Section 4.03.1 of the new rule makes a very specific allowance for a single-purpose area of student dining and kitchen facility to be added, if that area is individually lacking, regardless of the overall suitability need. Obviously, with the inclusion into the new rules changes, this issue was recognized as having enough significance and merit to be designated as a special circumstance outside of just simple overall campus suitability size.

Also, if a district were to build a new school, the Division's own Program-Of-Requirements (POR) dictates that one of the required spaces to be constructed would be an appropriately sized dining center. It is clearly evident that this is a required space, and required at the appropriate size, as evidenced by the POR.

In summation, the Cabot School District, is appealing the "No Suitability Need" decision of the Division to disapprove the 2013-2015 project for the Ward Central Elementary dining expansion, as this campus has an undersized student dining area, as the appropriate size is dictated by the POR. We request that the commission reverse the decision and fund the necessary partnership funding to assist the district in constructing the Ward Central Elementary student dining expansion.

Sincerely,

Dr. Tony Thurman
Superintendent

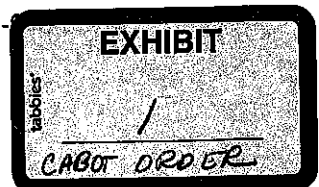
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ATTORNEY'S OFFICE**

JUN 19 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

cc: Charles Stein, Arkansas Division of Public School Academic Facilities and Transportation

602 North Lincoln Street • Cabot, Arkansas 72023 • Office 501-843-3363 • Fax 501-
email: tony.thurman@cps.k12.ar.us



BEFORE THE ACADEMIC FACILITIES REVIEW BOARD

*In the Matter of the Appeal of the Cabot School District
Proposed Partnership Project Number 1314-4304-003*

**RESPONSE OF THE ARKANSAS DIVISION OF PUBLIC SCHOOL ACADEMIC
FACILITIES AND TRANSPORTATION**

The Division of Public School Academic Facilities and Transportation ("Division") respectfully requests that the Academic Facilities Review Board deny the appeal of the Cabot School District and accept the determination of the Division for the following reasons.

I. SUMMARY OF ARGUMENT

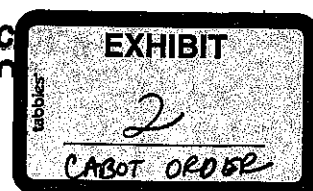
The Division disapproved a project submitted by the Cabot School District "for the addition to the main dining room wing" at its Ward Central Elementary campus. For a project to be eligible for Partnership funding for adding additional space to an existing campus, the Partnership Rules require that a "suitability" analysis be conducted. According to the Partnership Rules, this is done through a calculation that takes into account the existing square footage on a campus, the square footage that the school district seeks to add, and projected student enrollment. In the present matter, the suitability calculation resulted in a finding by the Division that no additional square footage was necessary (i.e., "no suitability need").

In its appeal, the School District did not contest that the suitability analysis performed in accordance with the applicable Partnership Rules resulted in a finding that additional square footage was not necessary. Nor did the School District allege that the Division acted inconsistently with the applicable law and Partnership Rules in making its determination. Rather, it argued that "the campus is clearly lacking the appropriate size for this needed single-purpose space," and that the Division's POR ("Program of Requirements") would have required

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JUL 19 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**



the construction of an “appropriately sized dining center” if the District were building a new school as opposed to adding on to an existing one. The District also argued that Partnership Program funding would have been available under “the new partnership rules . . . regardless of the overall suitability need.”

Although these arguments may seem persuasive, the fatal flaw in each is that they are inconsistent with the applicable law and Partnership Rules governing the 2013-15 Partnership funding cycle. Nowhere do those Rules provide preferential treatment of applications seeking an addition to an existing building when the suitability analysis results in a finding of no suitability need. Also, the proposed project did *not* involve the construction of a new campus but rather an addition to an existing one, in which situation the Partnership Rules mandate a suitability analysis. Finally, the “new Partnership Rules” to which the District refers were not applicable to the 2013-15 Partnership funding cycle. Although proposed revisions to the Partnership Rules (which should be finalized soon) might allow the addition to a dining space without a suitability analysis, the Partnership Rules governing the 2013-15 Partnership funding cycle did not. The projects of all competing school districts were considered under the same Rules, and the Division has no legal authority to apply a different set of rules to any competitor. Because the Division’s determination is consistent with the applicable law and Partnership Rules, the present appeal must be denied.

The Cabot School District has requested a hearing.

II. STATEMENT OF FACTS

The Cabot School District submitted an application to the 2013-2015 Academic Facilities Partnership Program to add space to the main dining room at Ward Central Elementary School. (Exhibit “A,” project no. 1314-4304-003). The expected project cost was \$375,000. *Id.* On

April 24, 2013, the Division disapproved the project, finding “no suitability need.” (Exhibit “B”).¹ Stated differently, a calculation of the existing square footage of academic space at the elementary school campus, the additional square footage sought for the project, and projected student enrollment resulted in a finding that no additional square footage was necessary.

“Suitability” is defined and governed by the Partnership Rules. See Commission for Arkansas Public School Academic Facilities and Transportation Rules Governing the Academic Facilities Partnership Program dated July 2012 (“Partnership Rules”). The suitability provisions of the Rules applicable to this matter provide as follows:

- 3.32 “Suitability” – The process undertaken by the Division to determine whether any existing academic facility is eligible for state financial participation for new construction^[2] projects, as set forth in Section 5.05 of these Rules. . . [O]nly that space total gross square footage required by the POR which is not already deemed available to a school district, whether on an existing campus or a new school campus, shall be determined eligible for state financial participation.

3.32.1. On An Existing Campus:

When a school district is proposing to build an academic facility on an existing campus with existing educational facilities, the Division shall compare the appropriate existing total gross square footage space of the existing facility on the campus to the total gross square footage space requirements of the POR for the proposed new school facility based on the projected student enrollment by grade level. After making the comparison, the school will only be deemed to not be suitable and thus eligible for state financial participation on a proposed facility project for the additional gross square footage space required in the POR not currently available on the school campus.

Partnership Rules, Sections 3.32 and 3.32.1 (emphasis in original). The “POR,” or Program of Requirements, is defined by the Partnership Rules as follows:

¹ The Division revised the “Project Summary” sheet contained in Exhibit “B” on April 30, 2013, to correct the misprinting of a prior year’s Academic Facility Wealth Index figure. (Exhibit “C”). This change had no effect on the Division’s determination of no suitability need.

² Under Partnership Rule Section 5.05.2, “new construction” includes “additions to existing facilities.”

- 3.21 Program of Requirements (POR) – The requirements that each new construction project . . . is required to adhere to as the established minimum adequate components, and total square footage required in a school construction project.

Partnership Rules, Section 3.21.

In summary, the POR is a tool used to determine suitability. A school district (such as Cabot) applying for a project to add academic space to an existing facility will load electronically into the POR program (which is found on the Division's website under the School Facility Manual link and incorporated by reference into the Partnership Rules) the school district's student projections. The program then will indicate how many square feet and which spaces would be needed *if a new school were being built*. The school district then enters into the program: (1) the existing square footage of the campus onto which it seeks to add academic space, and (2) the amount of square footage that it seeks to add. The program then calculates whether there already is sufficient square footage at the campus based upon these factors. If the calculation results in a zero suitability need (i.e., that there is sufficient existing space on the campus), the project is not eligible for Partnership Program funding. *See e.g.*, Partnership Rules, Section 5.05.2 (for additions to existing facilities, "[a]ny project for which the Commission determines the district or campus is currently suitable shall not be entitled for any state partnership assistance in that year's partnership cycle").

On April 24, 2013, the Division notified the Cabot School District of its determination that its proposed project was disapproved due to "no suitability need." *See* Exhibits "B" and "C." On June 12, 2013, the School District appealed the Division's determination. (Exhibit "D"). In its appeal, the District did not challenge the fact that the suitability calculation resulted in a finding of no suitability need, nor did it allege that the Division's "no suitability need" determination was inconsistent with the applicable law or Partnership Rules. Rather, the District

argued that: (1) the Ward Elementary campus "is clearly lacking the appropriate size for this needed single-purpose space," (2) the Partnership Rules would allow funding for the addition *if* the District were building a new school, and (3) under revised Partnership Rules, the District would have been eligible for Partnership program funding for the dining room addition regardless of suitability need.

III. APPLICABLE LAW AND ADMINISTRATIVE RULES

A. Academic Facilities Partnership Program

The statutory authority for the Academic Facilities Partnership Program is found at Ark. Code Ann. § 6-20-2507, which vests with the Division the authority to make Partnership Program funding decisions. The Commission promulgated rules and regulations necessary to administer this program pursuant to the authority vested in it by Ark. Code Ann. § 6-20-2512. *See* Commission for Arkansas Public School Academic Facilities and Transportation Rules Governing the Academic Facilities Partnership Program dated July 2012 ("Partnership Rules"). The matter presently before this Board involves the appeal of the Cabot School District from a determination made by the Division disapproving its request for Partnership Program funding. *See* Ark. Code Ann. 6-20-2513 (provides for school district appeal to this Board).

B. Academic Facilities Review Board

The Academic Facilities Review Board was created by Ark. Code Ann. § 6-20-2516 to hear appeals filed by school districts Partnership Program funding determinations made by the Division. Pursuant to the authority vested in this Board by Ark. Code Ann. § 6-20-2516, this Board, along with the Commission, established procedures for conducting hearings and appeals. Those procedures are set forth in the Commission for Arkansas Public School Academic Facilities and Transportation Rules Governing Appeals from Determinations of the Arkansas

Division of Public School Academic Facilities and Transportation dated June 2012 ("Appeal Rules").

IV. STANDARD OF REVIEW AND BURDEN OF PROOF

Pursuant to Section 2.03 of the Appeal Rules, the appealing school district has the "burden of proving that the Division's written determination is not supported by substantial evidence or is outside the legal authority vested in the Division." The Appeal Rules define "substantial evidence" as follows:

'substantial evidence' means relevant evidence that a reasonable mind might accept to support a conclusion. Substantial evidence is not based upon speculation and conjecture. A review of substantial evidence is not based upon whether the facts would have supported a contrary finding by the Division, but whether the facts supported the finding made by the Division.

Appeal Rules, Section 2.04. In this matter, the Cabot School District has not indicated whether it is contending the Division acted outside of its legal authority or whether the Division's determination is not supported by substantial evidence. Although probably the former, the School District failed to meet its burden under either standard.

V. ARGUMENT

The Cabot School District's appeal is without merit. As noted above, the District does not allege that the Division acted outside of the parameters of the applicable law or Partnership Rules in disapproving its application. Nor does it contest the accuracy of the suitability calculation. Rather, the School District advances arguments that are not supported by and that are inconsistent with the law and Partnership Rules governing the 2013-2015 Partnership Program funding cycle. Consequently, the Division was without authority to approve Partnership funding for the project.

The District argues it should have received Partnership Program funding because the Ward Central Elementary campus is “lacking the appropriate size” for the dining room addition, and also because if the District were building a new elementary school campus, the POR would have required the construction of an “appropriately sized dining center. These arguments, although perhaps facially persuasive, ignore the law and Rules. The Cabot School District’s proposal was *not* to build a new campus, but rather to add on to an existing one; thus making the suitability calculation an essential component of the Division’s funding determination. An extension of the District’s argument, if allowed, would be that any required space on the POR that a school district is missing would be eligible for state financial participation, regardless of the suitability computation. If that were the case, there would be no need for a computation of suitability and the Rules would have provided that a school district is eligible for any missing space. And that clearly is not the case.

Also, the District argues that “new Partnership Rules” allow for the addition of a lacking single-purpose area (dining room addition), regardless of the overall suitability need. This argument fails because the Rules to which the District refers (which have not yet been finalized) *were not applicable* to the 2013-2015 Partnership funding cycle. All school districts applied and competed for Partnership Program funding under the same Partnership Rules (dated July 2012), and the Division had no legal authority to apply a different set of Rules to the Cabot School District.

Because the Division’s determination was consistent with the law and Partnership Rules governing the 2013-2015 funding cycle, it should be upheld.

VI. CONCLUSION

For the foregoing reasons, the Division respectfully requests that the Board deny the appeal of the Cabot School District and uphold the determination of the Division.

Respectfully submitted,

 7/18/2013

Dr. Charles C. Stein, PE, CEFP

Director

Arkansas Division of Public School Academic
Facilities and Transportation

District: 4304000 - Cabot School District

Capital Project Detail

Project Number & Name:

1314-4304-003 - Ward Central Dining Room Expansion (Part 13-15)

Submit for 2013-2015 Partnership Program

Funding Year: Year 1 - 2013-14

School Number, Name & Type:

4304009 - 4304 - Ward Central Elementary

Project Type

Addition to Building

Building Number and Name:

430400901 - Elementary or Primary

Project Category

Suitability (School too Small)

Project Scope:

This would be for an addition to the main dining room wing of the main building, as the enrollment growth has continued at this campus, and additions have been added, but no expansion of the student dining area has ever been undertaken, and it is sorely needed.

Project Justification:

This would be for an addition to the main dining room wing of the main building, as the enrollment growth has continued at this campus, and additions have been added, but no expansion of the student dining area has ever been undertaken, and it is sorely needed.

Does this Project include demolition of existing facility?

No

Does this Project involve grade reconfiguration?

No

Design Start Date

02/01/2012

Construction Start Date

08/01/2013

Completion Date

12/01/2013

Status

Planned

Area (GSF)

4,000

Funding Code

Partnership

Facility Type

Academic

Planning Year

Created

2012

Changed

2012

Expected Annual Cost for this Project

Pre-2012

\$0

2012-2013

\$75,000

2013-2014

\$275,000

2014-2015

\$25,000

2015-2016

\$0

2016-2017

\$0

2017-2018

\$0

2018-2019

\$0

2019-2020

\$0

2020-2021

\$0

2021-2022

\$0

Total Cost

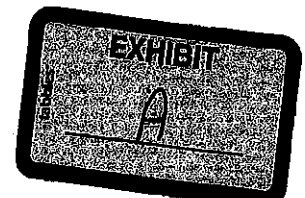
\$375,000

If total less than \$150,000, Number of Students:

0

\$300 per student cost:

3/6/2012 7:25:48 AM





ARKANSAS

DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION

501 Woodlane Suite 600 Little Rock, AR 72201

Dr. Charles C. Stein, PE, Director
Facilities: (501) 682-4261 Fax: (501) 683-1200
Transportation: (501) 682-4264 Fax: (501) 682-6308

www.arkansasfacilities.arkansas.gov

April 24, 2013

Dr. Tony Thurman
Superintendent
Cabot Public School District
602 North Lincoln
Cabot, AR 72023

Dear Dr. Thurman:

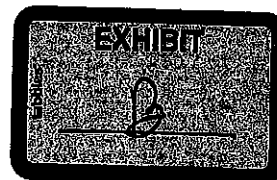
This letter provides the final written determination of the Division of Public School Academic Facilities and Transportation (*Division*) regarding the school district's Academic Facilities Partnership Program project application(s) for the 2013-2015 project funding cycle.

The Commission for Arkansas Public School Academic Facilities and Transportation (*Commission*) met on April 24, 2013. At that meeting, the Commission reviewed the Partnership Program project applications that school districts submitted by March 1, 2012, for the 2013-2015 project funding cycle.

Reviewing information provided by the Division, the Commission approved or disapproved each project application. Using information regarding available FY14 funding, the Commission funded or did not fund at this time each approved Year One project. The Commission will review funding for Year Two (FY15) approved projects following the completion of the 2014 legislative fiscal session.

This letter contains a Project Summary for each project that summarizes the Division's review and the Commission's review, approval, and funding.

For approved and funded projects, school districts should submit an Academic Facilities Partnership Program Project Agreement to the Division so the agreement can be executed by the Division and the district no later than June 23, 2013, within sixty (60) days of the Commission's final approval and funding.



Commissioners:

Tom W. Kimbrell, Ed. D., Chair
AR Department of Education

Mac Dodson
AR Development Finance Authority

Richard Weiss
AR Dept. of Finance and Administration

A school district that wishes to appeal this written determination should refer to the Rules Governing Appeals from Determinations of the Arkansas Division of Public School Academic Facilities and Transportation (*Rules*) dated June 2012. Districts should note that per section 3.01.2 of the Rules, the district must file appeals within sixty (60) calendar days of receipt of the Division's written determination.

Please contact the Division at (501) 682-4261 for additional information or assistance.

Sincerely,



Dr. Charles C. Stein, PE, Director
Division of Public School Academic
Facilities and Transportation

CS:cb

Enclosures

CERTIFIED

CC: Chad Davidson

Academic Facilities Partnership Program 2013-2015 Project Funding Cycle

Project Summary

- | | | |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| 1. Manager Area | Area D | |
| 2. District Name | Cabot School District | |
| 3. School Name | 4304 - Ward Central Elementary | |
| 4. Project Number | 1314-4304-003 | |
| 5. Project Description | Ward Central Dining Room Expansion (Part 13-15) | |
| 6. Primary Category | Space | |
| 7. Secondary Category | Addition | |
| 8. Approval Status: | Disapproved | Funding Status: Not Funded |
| 9. Space Approval Determination: | | |
| 10. Primary Reason for Project Disapproval: | No Suitability Need | Secondary Reason for Project Disapproval: |
| 11. Academic Facility Wealth Index | 0.404120845071853 | |
| 12. Project Cost Funding Factor | | |
| 13. Project Cost Description | | |
| 14. Project Cost Value | \$0.00 | |
| 15. Division Reviewed Project Size (SF) | | |
| 16. Project Cost | | |
| 17. State Financial Participation | | |
| 18. Green Incentive SFP: | | |
| 19. Grand Total SFP: | | |
| 20. Notes | The district submitted a Program of Requirements (POR) Suitability Analysis with the project application that indicated no suitability per Section 3.34 of the Rules Governing the Academic Facilities Partnership Program. | |
| 21. Project Year: | Year 1 | FCI Rank: |
| 22. FCI Location | Campus | WI Rank: |
| 23. FCI | 15.87 % | Growth Rank: |
| 24. Prior 10 Year Growth Percentage | 38.09% | Overall Rank: |
| | | Fiscal Distress?: <input type="checkbox"/> |

Total Project Count: Year 1 Warm Safe Dry = 141, Year 1 Space = 71, Year 2 Warm Safe Dry = 32, Year 2 Space = 19

Friday, April 19, 2013



ARKANSAS

DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION

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COPY

April 30, 2013

Dr. Tony Thurman
Superintendent
Cabot Public School District
602 North Lincoln
Cabot, AR 72023

Dear Dr. Thurman:

This letter transmits replacement Project Summary sheets(s) for the 2013-2015 Academic Facilities Partnership Program project(s) submitted by the school district. The Arkansas Division of Public School Academic Facilities and Transportation (*Division*) mailed certified letters on April 24, 2013, with Project Summary sheet(s) that misprinted a prior year Academic Facility Wealth Index (*Wealth Index*). Previous Project Summary sheet(s) should be discarded.

The Project Summary sheets were generated through a database export program that was not revised to print FY13 Wealth Index values. Instead, FY12 values were printed for the Wealth Index on line 11 of the Project Summary sheets.

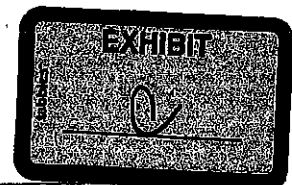
The Division used FY13 Wealth Index values during the review process and the determination of state financial participation. The 60-day requirement for the submission of district appeals will remain measured from the district's receipt of the Division letter mailed on April 24, 2013, since the original Project Summary sheets contained accurate FY13 computation of state financial participation and the Division's written determination.

Please contact the Division at (501) 682-4261 for additional information or assistance.

Sincerely,

Dr. Charles C. Stein, PE, Director
Division of Public School Academic
Facilities and Transportation

CS:cb
Enclosures
cc: Facilities Consultant



Commissioners:

Tom W. Kimbrell, Ed. D., Chair
AR Department of Education

Mac Dodson
AR Development Finance Authority

Richard Weiss
AR Dept. of Finance and Administration

Academic Facilities Partnership Program 2013-2015 Project Funding Cycle

Project Summary

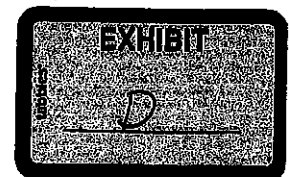
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|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| 1. Manager Area | Area D | |
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| 8. Approval Status: | Disapproved | Funding Status: Not Funded |
| 9. Space Approval Determination: | | |
| 10. Primary Reason for Project Disapproval: | No Suitability Need | Secondary Reason for Project Disapproval: |
| 11. Academic Facility Wealth Index | 0.398298145895314 | |
| 12. Project Cost Funding Factor | | |
| 13. Project Cost Description | | |
| 14. Project Cost Value | \$0.00 | |
| 15. Division Reviewed Project Size (SF) | | |
| 16. Project Cost | | |
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| 22. FCI Location | Campus | WI Rank: |
| 23. FCI | 15.87 % | Growth Rank: |
| 24. Prior 10 Year Growth Percentage | 38.09% | Overall Rank: |
| | | Fiscal Distress?: <input type="checkbox"/> |

Total Project Count: Year 1 Warm Safe Dry = 141, Year 1 Space = 71, Year 2 Warm Safe Dry = 32, Year 2 Space = 19

Monday, April 29, 2013

SUITABILITY ANALYSIS

SUITABILITY ANALYSIS			
BY:	Chad Davidson		
DATE:	8/7/2011		
(CHOOSE CORRECT PROJECT TYPE)			
FOR ADDITION PROJECT	YES		
FOR NEW SCHOOL IN DISTRICT	NO		
SCHOOL DISTRICT	Cabot		
SCHOOL NAME	Cabot Ward Central ES		
PROJECT NAME	Ward Dining Expansion		
PROJECT NUMBER	1814-4304-003		
	Existing Size (GROSS SF)	POR Allowance (SF)	Difference
TOTAL SCHOOL/CAMPUS	89,022	69,437	-19,685
SINGLE-PURPOSE AREAS			
Physical Education	6,800	5,674	1,126
Media Center	1,536	2,686	0
Student Dining	3,108	4,265	0
Performing Arts		0	0
TOTAL SUITABILITY NEED (GROSS SF)			0
FOR STATE FINANCIAL PARTICIPATION			
NOTES	District Inputs From POR Summary Sheet Suitability Analysis Computes State Participation Area or Excess Area in Gross SF		





Cabot Public Schools

OFFICE OF THE SUPERINTENDENT

W. Tony Thurman, Ed.D.

June 12, 2013

Arkansas Department of Education
Office of General Counsel
Four Capitol Mall
Little Rock, AR 72201

To Whom It May Concern:

Please accept this letter from the Cabot School District as a request for an appeal and hearing with the Commission for Arkansas Public School Academic Facilities and Transportation.

The Cabot School District submitted a complete and timely application for project number 1314-4304-003 for a dining room expansion at the Ward Central Elementary campus. The project application was submitted with the 2013-2015 partnership cycle associated with the 2012 Master Plan for the 2013-2015 funding biennium. On April 24, 2013, the Division of Public School Academic Facilities and Transportation posted a list of approved and disapproved projects on their website. Cabot School District was denied funding for this needed student dining expansion, which is currently undersized on the Ward Central Elementary campus, with the decision for the disapproval being that this campus does not have an overall suitability need, despite the fact that the campus is clearly lacking the appropriate size for this needed single-purpose space.

The Cabot School District has reviewed all rules and laws associated with Arkansas School Facilities and Partnership funding and is appealing the Division's decision based on the fact that this individual single-purpose space does currently exist on the Ward Central Elementary campus, but is sorely undersized to fully serve the needs of the students regardless of what the overall suitability analysis reflects.

With the new partnership rules adopted by the Facilities Commission in the summer and fall of 2012, Section 4.03.1 of the new rule makes a very specific allowance for a single-purpose area of student dining and kitchen facility to be added, if that area is individually lacking, regardless of the overall suitability need. Obviously, with the inclusion into the new rules changes, this issue was recognized as having enough significance and merit to be designated as a special circumstance outside of just simple overall campus suitability size.

Also, if a district were to build a new school, the Division's own Program-Of-Requirements (POR) dictates that one of the required spaces to be constructed would be an appropriately sized dining center. It is clearly evident that this is a required space, and required at the appropriate size, as evidenced by the POR.

In summation, the Cabot School District, is appealing the "No Suitability Need" decision of the Division to disapprove the 2013-2015 project for the Ward Central Elementary dining expansion, as this campus has an undersized student dining area, as the appropriate size is dictated by the POR. We request that the commission reverse the decision and fund the necessary partnership funding to assist the district in constructing the Ward Central Elementary student dining expansion.

Sincerely,

Dr. Tony Thurman
Superintendent

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JUN 19 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

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